



Oregon's Removal-Fill Permit Program

DIVISION OF STATE LANDS
775 Summer Street NE
Salem, Oregon 97310

Oregon's Removal-Fill Permit Program

Contact the Permits Section of the Division of State Lands (see Introduction section). Information including the name, address, and phone number of the responsible person and clear directions to the violation site are helpful.

How can I report a violation?

Lands.

There are both criminal and civil proceedings available to enforce the Removal-Fill Law. Removal or filling without a permit or contrary to the conditions of a permit is a criminal misdemeanor punishable by a fine of up to \$2500 and one year in jail. Violations are also subject to a civil penalty of up to \$10,000 per day of violation. Cease and desist orders and restoration orders may also be issued by the Division of State

Enforcement

What happens if I do work without a permit?

Appeals or the State Supreme Court.

Adjacent property owners and others who can show legal standing may request a hearing before the Division of State Lands to challenge a permit that has been issued. In certain instances, a permit can be suspended by the director during the hearing process and any subsequent appeal to the Oregon Court of

How can I get an application for permit?

Where can I get an application for permit?

Application for Permit

Where can I get an application for permit?

In addition to the Division of State Lands, permit applications are available from most city and county planning offices, Soil and Water Conservation District offices, and district & regional offices of the Oregon Department of Fish and Wildlife. On the Oregon coast, applications for beach projects may be obtained from:

- Region II Parks Office
3600 E. Third
Tillamook, OR 97141
(503) 842-5501 and
- Region III Parks Office
365 N 4th, Suite A
Coos Bay, OR 97420
(503) 269-9410

What is needed on an application?

Information required on the application forms includes:

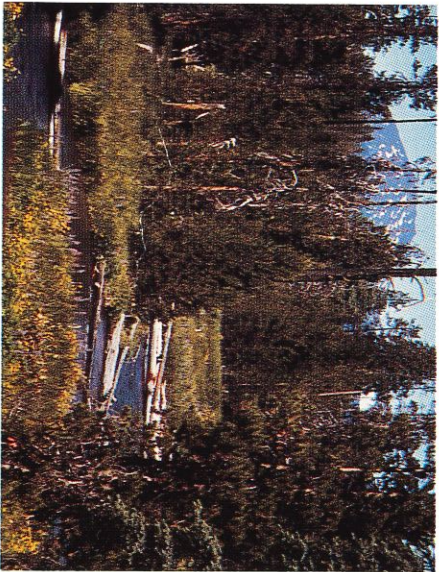
- 1) Name and address of land owner
- 2) Names and addresses of adjacent land-owners
- 3) Location of the project
- 4) A description of the proposed actions and purposes for the project
- 5) A description of proposed actions to restore the site

In addition to the written application, drawings are required that show:

- 1) The general location of the project (vicinity map)
- 2) A plan view of the proposed project showing:
 - a) the location of waterways and wetlands involved
 - b) the lines of high water and low water
 - c) the location of fill or removal
 - d) adjacent properties
- 3) A cross-section drawing showing details of the proposed project

Application Fees

Fees have been established by the legislature to pay for the review of applications. Information about application fees is provided with application forms when the forms are mailed. Fees are not refundable if the permit is denied. Questions about fees can be answered by writing or telephoning the Division's permit section.



Permit Renewal

Permits are generally issued for one year but the Division contacts permit holders before the permit expires to see if the permit needs to be renewed. If renewal is necessary, any project changes and the required application fee must be sent to the Division. If the project is still acceptable, a renewed permit is issued. Multi-year permits may be issued in some cases. For more information about multi-year permits, consult administrative rule OAR 141-85-032 for Oregon's Removal-Fill Permit Program.

How can the Division of State Lands help?

The Division of State Lands can arrange pre-application conferences with appropriate agencies to discuss design issues, mitigation requirements, and procedural matters. The Division can also provide assistance in identifying regulatory jurisdiction.

Agency Review

How is my project reviewed?

A completed application is circulated by the Division to the appropriate local governments, state and federal agencies, adjacent property owners and interested citizens for review and comments. Comments received help the Division to evaluate the proposed project against the requirements in law and administrative rules and to prepare operating conditions under which a project can be approved. The Division's decision time from receipt of a completed application is 45 days for removal projects and 90 days for fill projects. The permit is denied or issued with conditions. It is important that the permit conditions be carefully read and understood.

Approval of the project by the appropriate local government planning office is necessary before a permit will be issued by the Division of State Lands. An applicant is wise to initiate the local approval process before applying for a Removal-Fill Permit.

What if my permit is denied or if I object to the conditions of my permit?

On occasion the Division will deny an application. The reason for denial is stated in writing and acceptable alternatives, if known, are pointed out. An applicant whose application has been denied has the right to request a hearing before the Division of State Lands. Also, if an applicant receives a permit, but objects to the conditions, the law provides an opportunity for hearing. The process for requesting a hearing is stated on the denial letter or the front sheet of the permit.

Oregon's Removal-Fill Permit Program

Introduction

Oregon is well known for its lush forests, clear streams and lakes and beautiful mountains. We have a long history of placing high value on clean water and healthy habitats for salmon, steelhead, waterfowl and other fish and wildlife. Oregon has a broad diversity of water resources from the pounding surf of the Pacific Ocean to the salt and freshwater wetlands scattered throughout the state and to the isolated alkali lakes of the southeastern Oregon desert. Each of these aquatic areas has sensitive biological values which must be carefully managed.

Public enjoyment and appreciation of Oregon's water resources has been recognized in state law — the Oregon Removal-Fill Law regulates removal and filling of material in waters of the state. The Removal-Fill Permit Program is designed to conserve, protect and manage Oregon's water resources for the benefit of present and future generations.

The Removal-Fill Permit Program is administered by the Division of State Lands who has the responsibility to review applications and to make decisions on whether to issue or deny permits. In its review, the Division obtains views of affected property owners, governmental agencies and public interest groups. The Division's policy is to work with applicants to assist in designing worthwhile projects which will have a minimum effect on water resources and adjacent properties. Enforcement of the law is the responsibility of the Division of State Lands.

Copies of the Oregon Removal-Fill Law and administrative rules which implement the law are available from the Division of State Lands by calling the Division's Permit Section (503) 378-3059 or writing:

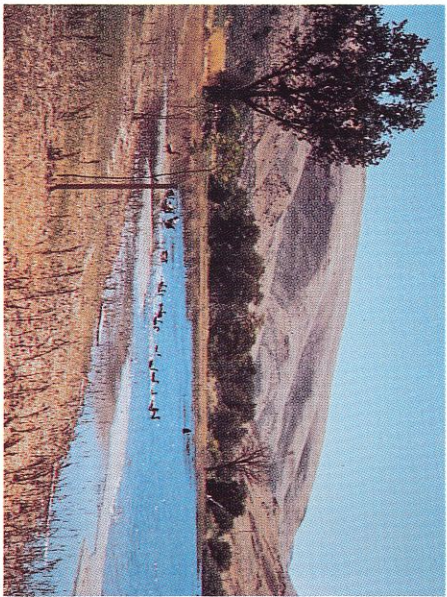
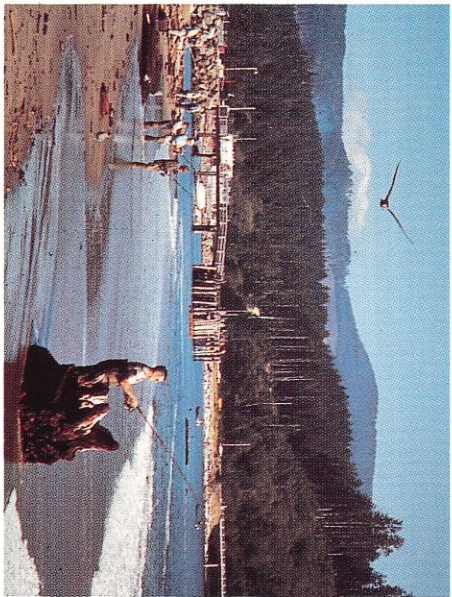
Division of State Lands
Environmental Permits Section
775 Summer Street NE
Salem, Oregon 97310

JURISDICTION

When is a Removal-Fill Permit needed from the Division of State Lands?

State Lands?

Any activity that proposes removal, filling or alteration of more than 50 cubic yards of material within the bed or banks of the waters of the State of Oregon requires a permit from the Division of State Lands. Typical examples of projects requiring permits include gravel removal, dredging, gold mining, riprap placement, land reclamation, channel alteration or relocation, pipeline crossings and construction of bulkheads.



What are waters of the State of Oregon?

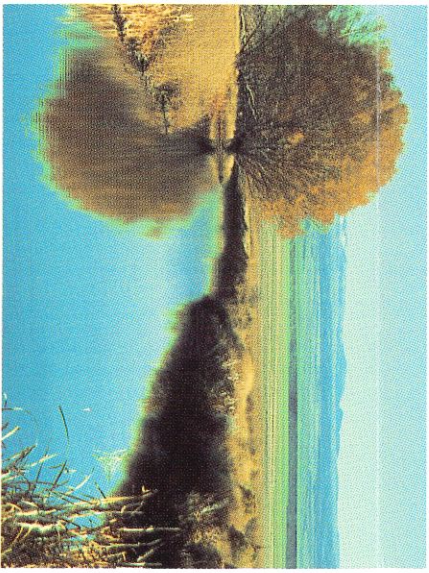
Waters of the State of Oregon means all natural waterways including the Pacific Ocean, rivers, lakes, ponds and wetlands.

Large lakes and perennial rivers of Oregon are well known and clearly understood to be waters of the State of Oregon. However, less well-known waters such as small natural ponds, intermittent streams, overflow channels and wetlands are all subject to permit requirements of the Oregon Removal-Fill Law.

What are wetlands and why are they important?

The wetlands of Oregon are a vital natural resource. Wetlands are defined as those areas that are inundated or saturated often enough to support a prevalence of vegetation adapted for life in standing water or saturated soil. Wetlands include swamps, bogs, and fresh and salt water marshes, such as sedge, rush and cattail marshes. Wetlands were once considered useless and suitable only for reclamation projects, but recent studies have shown that wetlands perform numerous important functions such as:

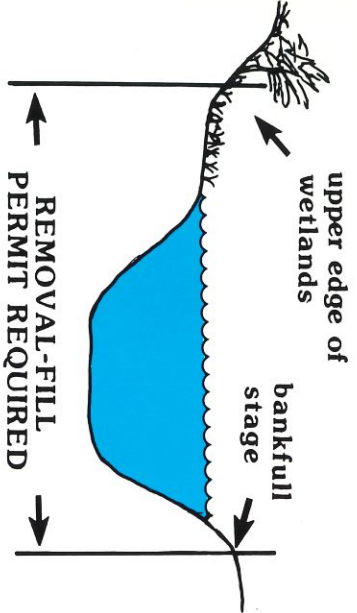
- flood and erosion control
- water storage and purification
- breeding, nesting, resting, and feeding grounds and predator escape cover for many forms of fish and wildlife
- open-space/aesthetic values.



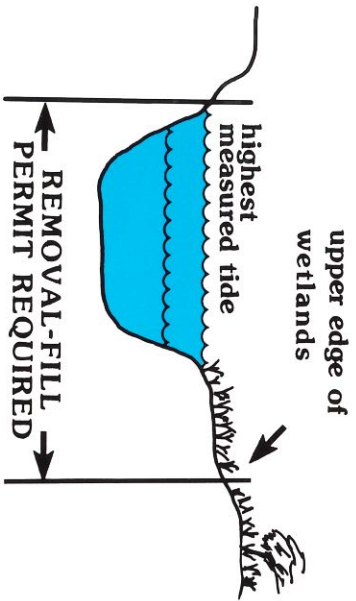
What is the boundary for regulation of wetlands and waterways?

The Removal-Fill Permit requirements apply to the bankfull stage of rivers and lakes, the highest measured tide of tidelands and the line of non-aquatic vegetation of wetlands. Jurisdiction extends across that area typically reached by water during high water stage, but not across the floodplain unless wetlands are present. On the Pacific Ocean coast, the Removal-Fill Law controls removal and fill oceanward of the highest measured tide or the upland vegetation line, whichever is higher.

NON TIDAL WATERS



TIDAL WATERS



PACIFIC OCEAN

